

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Samuel Der-Yeghiayan	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	02 C 1659	DATE	1/10/2005
CASE TITLE	James Leo Edwards vs. Kenneth Briley		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

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DOCKET ENTRY:

(1)	<input type="checkbox"/>	Filed motion of [use listing in "Motion" box above.]
(2)	<input type="checkbox"/>	Brief in support of motion due _____.
(3)	<input type="checkbox"/>	Answer brief to motion due _____. Reply to answer brief due _____.
(4)	<input type="checkbox"/>	Ruling/Hearing on _____ set for _____ at _____.
(5)	<input type="checkbox"/>	Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(6)	<input type="checkbox"/>	Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(7)	<input type="checkbox"/>	Trial[set for/re-set for] on _____ at _____.
(8)	<input type="checkbox"/>	[Bench/Jury trial] [Hearing] held/continued to _____ at _____.
(9)	<input type="checkbox"/>	This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to] <input type="checkbox"/> FRCP4(m) <input type="checkbox"/> Local Rule 41.1 <input type="checkbox"/> FRCP41(a)(1) <input type="checkbox"/> FRCP41(a)(2).
(10)	<input checked="" type="checkbox"/>	[Other docket entry] For the reasons stated in the attached memorandum opinion, petitioner's request for a certificate of appealability is denied. Enter Memorandum Opinion.
(11)	<input checked="" type="checkbox"/>	[For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input checked="" type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	<div>MW</div> <div>courtroom deputy's initials</div>	<div>10000 100000 10000</div> <div>03-10-10 11 100000</div>	number of notices	<div>Document Number</div> <div>30</div>
			JAN 11 2005 date docketed	
			<i>AK</i> docketing deputy initials	
			date mailed notice	
			mailing deputy initials	
Date/time received in central Clerk's Office				

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOCKETED
JAN 11 2005

UNITED STATES OF AMERICA, ex. rel.)

JAMES LEO EDWARDS)

Petitioner,)

Consolidated Case Nos.

02 C 1659 and 02 C 1660

KENNETH R. BRILEY,)

Respondent.)

MEMORANDUM OPINION

SAMUEL DER-YEGHIAYAN, District Judge

This matter is before the court on Petitioner James Edwards' ("Edwards") request for a certificate of appealability pursuant to 28 U.S.C. § 2253(c). For the reasons stated below, Edwards' request for a certificate of appealability is denied.

BACKGROUND

Edwards initially filed two separate petitions for writ of *habeas corpus* in the United States District Court for the Northern District of Illinois. *U.S. ex. rel.*

Edwards v. Briley, (N.D. Ill. 2002)(No. 02 C 1659); *U.S. ex rel. Edwards v. Briley*, (N.D. Ill. 2002)(No. 02 C 1660). On March 30, 2004, in a memorandum opinion, we denied Edwards' petitions for writ of *habeas corpus*. *U.S. ex rel. Edwards v. Briley*, 2004 WL 723837 (N.D. Ill. 2004). On November 3, 2004, in a memorandum opinion, we denied Edwards' motion for reconsideration of our March 30, 2004 memorandum opinion. *U.S. ex rel. Edwards v. Briley*, 2004 WL 2496225 (N.D. Ill. 2004). Edwards now seeks a certificate of appealability.

LEGAL STANDARD

In order to appeal the denial of a petition for writ of *habeas corpus*, a petitioner must obtain a certificate of appealability. 28 U.S.C. § 2253(c); *Montgomery v. Davis*, 362 F.3d 956, 957 (7th Cir. 2004). A court should only issue a certificate of appealability "if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). A petitioner must also show that "reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were 'adequate to deserve encouragement to proceed further.'" *Slack v. McDonnell*, 529 U.S. 473, 484 (2000)(quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 (1983)).

DISCUSSION

In Edwards' request for a certificate of appealability, Edwards argues that he is entitled to a certificate of appealability for "constitutional claims", but has failed to identify or argue any specific claim or issue previously raised in his petitions for writ of *habeas corpus*. (Request p. 1). On March 30, 2004, in a memorandum opinion, we denied Edwards' petitions for writ of *habeas corpus* and extensively addressed all of his claims. Edwards, in his request for a certificate of appealability, has failed to make a substantial showing that he has been denied a constitutional right and has also failed to show that reasonable jurists could agree or debate that any of the claims contained in his petitions for writ of *habeas corpus* should be granted. Edwards has also failed to present any meritorious arguments that would indicate that any of the issues presented in his petitions for writ of *habeas corpus* deserve "encouragement to proceed further." *Slack*, 529 U.S. at 484. Therefore, we deny Edwards' request for a certificate of appealability.

CONCLUSION

Based on the foregoing analysis, we deny Edwards' request for a certificate of appealability.


Samuel Der-Yeghiayan
United States District Court Judge

Dated: January 10, 2005